

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM # 1 Community Crisis Homes

The CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held November 22, 2017, as follows:

Office Building # 8
744 P St., Room 103
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on November 22, 2017.

Following the public hearing CDSS may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/CDSS-Regulation-Changes-In-Process-and-Completed-Regulations/Public-Hearing-Information>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below. Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below:

CONTACT: Office of Regulations Development
California Department of Social Services
744 P Street, MS 8-4-192
Sacramento, California 95814

TELEPHONE: (916) 657-2586 FACSIMILE: (916) 654-3286 E-MAIL: ord@dss.ca.gov

CHAPTERS

Title 22, Division 6, Chapter 6.1 (Community Crisis Homes), Sections 85100 (General Provisions), 85101 (Definitions), 85118 (Application for Licensure), 85120 (Fire Clearance), 85122 (Plan of Operation), 85140 (Denial of Initial License), 85142 (Revocation or Suspension of a License), 85164 (Administrator Certification and Qualifications), 85165 (Personnel Requirements), 85168.1 (Intake Admission Procedures), 85168.2 (Needs and Services Plan), 85168.4 (Acceptance and Retention Limitations), 85170 (Client Records), 85187 (Building and Grounds) and 85190 (Provisions for Emergency Intervention)

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The CDSS has determined that the proposed Community Crisis Homes (CCH) regulations will affect Adult Residential Facilities (ARF). These regulations will be adopted to implement Senate Bill (SB) 856, Chapter 30, Statutes of 2014 that established CCH as a subcategory of ARF, which requires certification by the California Department of Developmental Services (DDS) and licensure by CDSS. The CCHs are established to provide 24-hour nonmedical care to individuals with developmental disabilities receiving regional center services, in need of crisis intervention services and who would otherwise be at risk of admission to the acute crisis center at Fairview Developmental Center, Sonoma Developmental Center, an acute general hospital, acute psychiatric hospital, an institution for mental disease or an out-of-state placement.

The CDSS and DDS have crucial roles in the oversight, licensure and enforcement of regulations for CCH facilities. These regulations include requirements for license applications, fire clearance, the plan of operation, revocation or suspension of a license, staffing structure, qualifications and training, intake admission, the needs and services plan, acceptance and retention limitations, client records, the building and grounds and the use of emergency interventions.

Due to the limited residential options and services currently available for this population of clients, the CCH regulations package shall be processed as emergency regulations with the Office of Administrative Law as authorized by the Legislature in SB 856. This is necessary in order to maintain immediate preservation of public peace and health and safety, as well as the general welfare of the population that will be served by the CCH facilities. It is the intent of CDSS to promulgate these emergency regulations to ensure the needs and services of the client population served by CCHs are met. After conducting a review for any regulations that would relate to this area, CDSS has decided that any regulations concerning CCHs are neither inconsistent nor incompatible with existing state regulations.

COST ESTIMATE

1. Costs or Savings to State Agencies: None
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500 - 17630: None
3. Nondiscretionary Costs or Savings to Local Agencies: None
4. Federal Funding to State Agencies: None

LOCAL MANDATE STATEMENT

The CDSS has determined that these regulations do not impose a mandate upon local agencies. These regulations only impact licensees that make the business decision to pursue licensure as a CCH.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The CDSS has made an initial determination that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made based on the proposed regulatory action, which was designed to impact only the licensees that make the business decision to pursue licensure as a CCH. The authorizing statutes permit but do not require the establishment of CCH. There is no requirement for licensees to work with clients who present behavioral issues and are in need of crisis intervention services.

Any new costs specific to this subcategory of ARFs are being covered by DDS as established in their Title 17, Section 59022 regulations on rates. Rates established by DDS will offset any increase in expenses a licensee incurs as a result of operating a CCH. The provisions in these Title 22 regulations do not create any new cost outside of what has been created by the Title 17 regulations and, therefore, have no adverse economic impact on the businesses.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action

SMALL BUSINESS IMPACT STATEMENT

The CDSS has determined that the proposed regulations do not have an adverse economic impact on small businesses. These regulations will only impact licensees who choose to pursue licensure as a CCH.

STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

The benefits of the regulatory action include enabling supportive housing for clients who are in crisis and leaving the Developmental Centers where their health and safety will be protected.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

In developing the regulatory action, CDSS did not consider any other alternatives because the Legislature, through the above mentioned bill, mandates the Department's oversight of these facilities and no alternatives were proposed. The CDSS, through working with the DDS, determined that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

AUTHORITY AND REFERENCE CITATIONS

Section 1530 of the Health and Safety (H&S) Code grants CDSS the authority to develop the regulations and Sections 1501 and 1531 of the H&S Code are being referenced to make the regulations more specific.

CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person:	Oliver Chu	(916) 657-2586
Backup:	Sylvester Okeke	(916) 657-2586

EMERGENCY STATEMENT

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with Government Code section 11346.4.